WP(C) 4916/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr AS Choudhury, learned Senior counsel for the petitioner. Also heard Ms S. Seal, learned Standing counsel, Excise Department.

For the order which I propose to pass, I do not intend to issue formal notices.

The petitioner is an Association of Assistant Inspectors of Excise Department of the State. In terms of Rule 5(3)(c) of the Assam Excise Rules,1990(hereinafter referred to as the 'Rules'), the quota for induction to the post of Inspector of Excise is as hereunder :

1. Direct recruitment - 50%
2. By promotion from Asstt. Inspector of Excise (AIE) - 40%
3. UDA - 10%

Following a series of discussions and parleys between the concerned authorities of the department and the petitioner Association and being satisfied that ,for the better promotional avenues , the Assistant Inspector of Excise's quota for promotion to the post of Inspector of Excise ought to be enhanced, the percentage of promotion posts for AIE was initially hiked to 57% and lastly in the meeting held on 4.5.2007 to 65%. According to the petitioner, though on principle, the above decisions have been taken, the same have not been implemented to their prejudice.

Being aggrieved by the delay in the meantime, the Association has submitted a representation before the Secretary to the Govt.of Assam, Excise Department on 20.7.20097 which also remains unattended till date.

The learned Senior counsel while reiterating the above has submitted that it would suffice for the present if this petition is closed with a direction to the aforementioned authority to consider and dispose of the representation within a fixed time frame.

Ms Seal has no objection to the course suggested.

Having regard to the recorded facts and the issues raised, I am of the view that the mode of disposal as suggested commends for acceptance. The authorities having decided to enhance the promotional prospects of a particular category of officers understandably on convincing ground, they cannot afford to drag a cold feet in the matter indefinitely. This petition thus stands closed with a direction to the Secretary to the Govt.of Assam, Excise Department, Dispur to take an appropriate decision on the petitioner's representation. Needless to say that ,as the members of the petitioner Association wait for their promotion in the higher posts and their future service career significantly depends thereon, the exercise as ordered should be completed within a period of three(3) weeks from the date of receipt of the certified copy of this order.

The petition stands disposed in the above terms. No costs.